

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7272

BILL NUMBER: HB 1311

NOTE PREPARED: Apr 2, 2013

BILL AMENDED: Apr 1, 2013

SUBJECT: Election Matters.

FIRST AUTHOR: Rep. Mayfield

FIRST SPONSOR: Sen. Head

BILL STATUS: As Passed Senate

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill does the following.

Electronic Poll Lists- The bill permits a county election board (CEB) to adopt an order, under certain conditions, approving the use of an electronic poll list and electronic signature pads in each precinct of the county. The bill provides that, if a CEB adopts an order to provide an electronic poll list to the inspector for use at a polling place or at a satellite office, electronic poll lists may be used at an election (rather than certified poll lists). The bill provides that an order adopted to allow the use of electronic poll lists at an election may include the use of electronic signatures to sign the poll lists.

Additional Standards for E-Poll Books/Lists- The bill establishes additional standards for electronic poll books and poll lists.

Certification of E-Poll Lists- The bill establishes a procedure for the certification of electronic poll books.

Central Count E-Poll List Procedures- The bill specifies procedures for the use of electronic poll lists in counties that count absentee ballots at a central location.

Penalties & Violations- The bill establishes penalties for violations involving electronic poll books.

Redistricting/Recertifying Local Legislative Districts- The bill requires a local unit (other than a school corporation) to adopt an ordinance to recertify its boundaries whenever the local unit determines that redistricting after a federal decennial census is not required. The bill requires the governing body of a school

corporation to send a copy of the school corporation's plan to the circuit court clerk of each county in which the school corporation is located and a certification that the school corporation's election districts satisfy statutory redistricting requirements, if the school corporation elects governing body members by districts in which only the voters of a district may vote for the member representing that district. The bill requires this information to be sent to circuit court clerks not later than December 31, 2013. The bill requires the governing body of a school corporation to follow a similar process after a federal decennial census is conducted and each time the school corporation's plan is amended. The bill requires that a map of the legislative districts of a political subdivision be filed with the circuit court clerk each time the boundaries are redrawn or recertified.

Map Description Conflict Resolution- The bill specifies that a conflict between a map of a precinct and the description of the precinct set forth in a precinct establishment order is resolved in favor of the description.

Presumption of Validity- The bill provides that all school corporation district plans and local government redistricting ordinances have: (1) the same presumption of validity set forth in current law for certain school corporation district plans; and (2) the same method for resolving a conflict between a map of an election district and a description of the district set forth in the plan or ordinance.

Metropolitan School Corporation Redistricting Deadline- The bill specifies that the deadline to conduct redistricting in a metropolitan school corporation is December 31 of the year following the year in which a federal decennial census is conducted. (Current law requires that redistricting be completed one year after the effective date of the federal decennial census, which is April 1 of the year following the census.)

Lake Station School Board Election Districts- The bill provides that the Lake Station School Corporation is subject to the same standards and procedures for the adoption of school board election districts as other school boards. (Current law establishes the Lake Station school board districts by descriptions in the Indiana Code.)

Interim Study Topics- The bill requires the Census Data Advisory Committee (CDAC) to study during the 2013 legislative interim: (1) the standards for determining residency for purposes of voting, candidacy, and holding office in Indiana; (2) allegations of voter suppression of African-Americans, Latinos, other ethnic minorities, and the elderly; (3) allegations of election fraud; (4) methods for improving election administration by reducing lines at polling places; (5) methods for reducing the cost of the election process; (6) methods for enabling an emergency first responder responding to an emergency declaration to receive an absentee ballot or absentee ballot application by electronic mail or facsimile machine; (7) the impact of sending written communications to a voter containing false vote history information regarding that voter; and (8) issues related to redistricting conducted by local units of government.

Technical Corrections- The bill makes technical corrections.

Effective Date: July 1, 2013.

Explanation of State Expenditures: *Interim Study Topics-* It is likely the Census Data Advisory Committee would be able to study the specified topics within the normal business meetings scheduled for the Committee during the 2013 legislative interim.

Certification of E-Poll Lists- The Election Division (IED) would receive and process applications for e-poll books and lists for the Secretary of State (SOS). The SOS would prescribe the application form and based on the recommendation of the Voting System Technical Oversight Program (VSTOP) would approve or disapprove of applications. It is likely, that both the IED and the SOS would be able to accomplish these

provisions within existing resources. Certifications made by the SOS would last until December 31 of the year following the date of issuance of the certification.

Additional Information- The Voting System Technical Oversight Program was established by P.L. 221-2005. The program was established to assist the Election Commission on the recommendation of voting system use in Indiana including the following: review of reports, individual testing, auditing, and assistance in purchase agreements for voting systems. The bill would add the development and proposition of procedures and standards for the certification, acquisition, function, training, and security of electronic poll lists used in Indiana elections. The VSTOP would then make recommendations to the Secretary of State, which would make the final determination on a particular e-poll book or list.

Penalties & Violations- This provision would tie-in criminal penalties already in statute under IC 3-14-2-11 with respect to e-poll lists. It is not expected that this provision would increase state expenditures greatly.

Explanation of State Revenues: *Penalties & Violations-* It is not expected that revenue from criminal fines would increase significantly as a result of this provision.

Explanation of Local Expenditures: *Electronic Poll Lists-* County election boards would be able to adopt the use of electronic poll lists (e-poll lists) under the bill. This would likely require additional county expenditures to purchase the necessary equipment to create and display an e-poll list. However, the savings generated by no longer printing poll books could allow an adopting county to redirect the budget for poll book printing toward the purchase of an e-poll list. Total costs would depend on CEB action, including whether the list included electronic signature imaging. Additionally, the use of e-poll lists would reduce significantly, the administrative expenditures and responsibilities of county and precinct election boards on election day, including the use of couriers to transport paper absentee ballots to precincts. The use of e-poll lists would also save traditional paper expense.

Additional Standards for E-Poll Books and Lists- It is unknown what the impact could be on counties with vote centers that already use e-poll lists. If these counties already use e-poll lists that meet the additional standards within the bill, there would likely be no fiscal impact to their respective county election boards. However, if their existing e-poll list technology does not comply with the proposed standards of the bill, updates and/or replacement with technology that does comply would be in order. The expenditures required for such updates or replacement, if necessary, are indeterminable. Tippecanoe, Cass, and Wayne Counties currently use e-poll lists at their vote centers. [This section will be updated as additional information becomes available.]

Redistricting Local Legislative Districts- County executive, legislative, and fiscal bodies, city and town legislative bodies, Marion County City County Council and township legislative bodies, and school boards would have to provide maps of redrawn or recertified district boundaries to the respective county clerks. It is likely, the governing bodies required to send maps could either send them electronically or send a printed copy with minimal additional expenditure for printing and postage.

However, smaller towns and school boards may not necessarily be able to produce the maps in a printed form without the assistance of a map production vendor. Units that require vendor assistance to produce maps would see an increase in expenditures. Legislative bodies of towns, third class cities, and second class cities are currently only required to send a copy of the ordinance establishing new districts to the circuit court clerk.

Background Information- One election equipment vendor reports that e-poll list equipment can total \$1,775 per unit including all necessary hardware and software.

Tippecanoe County Vote Center e-Poll Lists- Tippecanoe County was the first county to establish vote centers. As part of the requirement for vote centers, the county had to establish an e-poll list. The county paid \$10,750 for e-poll list hardware and software for their vote centers. As a result, the county did not have to print paper poll books, which were estimated to cost \$1,782 to produce. Based on the start-up cost of the e-poll list development and the savings from not having to print paper poll books, the county would break even within roughly six elections conducted by its vote centers.

Explanation of Local Revenues:

State Agencies Affected: Census Data Advisory Committee.

Local Agencies Affected: Counties, Consolidated City, second class cities, third class cities, towns, school boards.

Information Sources: Tippecanoe County Election and Voter Registration Office: *Vote Centers 2007-Looking Forward to 2008*.

Fiscal Analyst: Chris Baker, 317-232-9851.